

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OMEGA PATENTS, LLC,

Plaintiff,

v.

FIRSTECH, LLC,

Defendant.

C20-1344 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Having now completed claim construction, and having reviewed the docket in American Axle & Manufacturing, Inc. v. Neapco Holdings LLC, No. 20-891, in which a petition for a writ of certiorari is pending before the United States Supreme Court, the Court REINSTATES defendant Firstech, LLC's motion, docket no. 11, challenging the patentability of U.S. Patent No. 7,305,293 (the "'293 Patent") pursuant to 35 U.S.C. § 101. See Minute Order (docket no. 20) (striking defendant's motion without prejudice to refiling). Having requested briefing from the Solicitor General of the United States, who just recently assumed office (on October 28, 2021), the Supreme Court appears unlikely to rule on the petition in American Axle in the near future, and the issue of whether the '293 Patent passes muster under the two-part standard set forth in Alice Corp. v. CLS Bank Int'l, 573 U.S. 208 (2014), will probably need to be addressed before any further guidance from the Supreme Court is available. Thus, the earlier articulated reason for delay no longer serves the goals of judicial economy and efficiency.

(2) Defendant's motion to dismiss, docket no. 11, is NOTED for January 28, 2022. Plaintiff may file a supplemental response, not to exceed twelve (12) pages in length, by January 21, 2022. Defendant may file a supplemental reply, not to exceed six (6) pages in length, by the noting date. Counsel are encouraged to review, if they have

1 not already done so, and to address in their supplemental briefs, the following decisions,  
2 which were decided after the original briefing on the motion was completed: CosmoKey  
3 Sols. GmbH & Co. KG v. Duo Sec. LLC, 15 F.4th 1091 (Fed. Cir. 2021); Yu v. Apple Inc.,  
1 F.4th 1040 (Fed. Cir. 2021); Int'l Bus. Machs. Corp. v. Zillow Grp., Inc., No. C20-851,  
--- F. Supp. 3d ---, 2021 WL 2982372 (W.D. Wash. July 15, 2021).

4 (3) The Clerk is directed to send a copy of this Order to all counsel of record.

5 Dated this 22nd day of November, 2021.

6 Ravi Subramanian  
7 Clerk

8 s/Gail Glass  
9 Deputy Clerk